

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: ) CHAPTER 13  
EBONY RASHAAN SANKEY )  
DEBTOR. ) CASE NO. 18-58269-PMB  
)  
)  
)

**CHAPTER 13 TRUSTEE'S  
OBJECTION TO CONFIRMATION & MOTION TO DISMISS**

COMES NOW Melissa J. Davey, Chapter 13 Trustee, and objects to confirmation of the plan and files this motion to dismiss under 11 U.S.C. Section 1307(c), for cause, including the following reasons:

1. The Debtor has failed to pay the Chapter 13 Plan payments to the Trustee as required by 11 U.S.C. Section 1326.

2. Debtor proposes to make monthly charitable contributions in the amount of \$125.00. The Debtor should provide written evidence sufficient to establish a consistent pattern of contributing prior to the filing of the instant case. 11 U.S.C. Section 1325 (b)(2)(A).

3. The Chapter 13 Trustee cannot administer the provisions regarding American Honda in Section 3.2 of the Plan because the "amount of secured claim" set forth in the Plan is not equal to the "value of collateral" in the Plan and/or the filed secured claim.

4. The Chapter 13 Plan provides for treatment of the secured/priority claim of the Georgia Department of Labor, but said creditor filed an unsecured proof of claim. The plan should be amended accordingly.

5. The Trustee objects to the proposed Chapter 13 composition Plan, which fails to provide for payment of Debtor's federal income tax refunds to creditors during the applicable commitment period (2018, 2019, and 2020), in possible violation of 11 U.S.C. Sections 1325(a)(3) and 1325(b)(1)(B).

6. Debtor has failed to file a Certificate of Manner of Service showing proper service pursuant to Federal Rules of Bankruptcy Procedure 2002, 3015, and 7004 in violation of NDGA Bankruptcy Court General Order 21-2017.

WHEREFORE, Trustee moves this Honorable Court to inquire into the above objections at the separately scheduled and noticed confirmation hearing, deny confirmation of the Chapter 13 plan, dismiss the case, and for such other and further relief that this Court deems just and proper.

/s/ Jason L. Rogers

Jason L. Rogers

Attorney for Chapter 13 Trustee

GA Bar No. 142575



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18-58269-PMB

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served:


DEBTOR(S):  
EBONY RASHAAN SANKEY  
3151 STILLHOUSE CREEK DRIVE  
APT# 23305  
ATLANTA, GA 30339

DEBTOR(S) ATTORNEY:  
CLARK & WASHINGTON, P.C.  
3300 NORTHEAST EXPRESSWAY  
BUILDING 3, SUITE A  
ATLANTA, GA 30341

in the foregoing matter with a copy of this Objection to Confirmation & Motion to Dismiss by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

Friday, July 13, 2018

/s/

  
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